

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner objected to the specification; objected to claims 1-23 for informalities; rejected claims 10 and 21 under 35 U.S.C. § 112, second paragraph; rejected claims 12-23 under 35 U.S.C. § 101; and rejected claims 1-23 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,792,113 to Ansell et al. ("Ansell").

By this Amendment, Applicant amends claims 1-4, 5-15, and 17-23 and cancels claims 5 and 16. Upon entry of this amendment, claims 1-4, 5-15, and 17-23 will be pending and under current examination.

Regarding the objection to the specification, the Examiner states, "Applicant uses 'another apparatus or user' frequently in the specification. It appears to the [E]xaminer sometimes, the 'another apparatus or user' mean[s] the same 'apparatus or user' and sometimes, the 'another apparatus or user' is a different 'another apparatus or user.'" (Office Action at p. 2). Applicant has amended the specification to remove the phrase "another apparatus or user" and thus requests the Examiner to withdraw the objection.

Regarding the objection to claims 10 and 21, the Examiner states, "charges' should be 'changes' in claim 10 ... 'charging' should be 'changing' in claim 21" (Office Action at p. 2). Applicant disagrees. Page 9 of the specification states, "the change limiting step/means may include charging depending on the maximum allowable number of times already registered identification information is changed," and page 39

---

<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

of the specification states, “ the present invention is useful to control an apparatus capable of outputting fee-charging contents.” Applicant intends claims 10 and 21 to recite “charges” and “charging,” respectively, and claims 10 and 21 are supported by the specification.

Further regarding claims 10 and 21, the Examiner states, “the whole claim is grammatically incomprehensible.” (Office Action at p. 2). Applicant submits that amended claims 10 and 21 are grammatically correct and comprehensible and requests the Examiner to withdraw the objection to claims 10 and 21.

Regarding the objection to claim 12, the Examiner states, “the steps of’ should be ‘steps of” (Office Action at p. 2). Claim 12 has been amended in accordance with the Examiner’s suggestion, and Applicant respectfully requests the Examiner to withdraw the objection to claim 12.

Regarding the objection to claims 1-9, 11, 13-20, 22, and 23, the Examiner does not provide a specific grounds for the objection, merely stating “[p]lease check the claims 1-23 and fix any informality the Applicant is aware of.” (Office Action at p. 2). Applicant submits that claims 1-23 are free from informalities and requests the Examiner to withdraw the objection.

Regarding the rejection of claims 10 and 21 under 35 U.S.C. § 112, second paragraph, the Examiner states that the phrase “the maximum allowable number of times” lacks antecedent basis (Office Action at p. 3). Claim 10 has been amended to depend from claim 6, and claim 21 has been amended to depend from claim 17. An antecedent basis is present in claims 6 and 17, respectively, for the phrase “the maximum number of times” appearing in claims 10 and 21. Accordingly, Applicant

requests the Examiner to withdraw the rejection of 10 and 21 under 35 U.S.C. § 112, second paragraph.

Regarding the rejection of claims 12-22 under 35 U.S.C. § 101, the Examiner alleges, “[t]he claimed steps do not result in a tangible result … [and] are rejected as being directed to an abstract idea” (Office Action at pp. 3-4). However, claim 12 recites, “acquiring first identification information,” “registering the first identification information,” and “determining whether the use of the content is allowed on the basis of whether the first identification information is currently registered.” Thus, the useful, concrete, and tangible result of determining whether the use of the content is allowed is achieved. Claim 12 therefore recites statutory subject matter. Claims 13-22 are statutory at least due to their dependence from claim 12, and Applicant respectfully requests the Examiner to withdraw the rejection.

Regarding the rejection of claim 23 under 35 U.S.C. § 101, the Examiner states, “[c]laim 23 is rejected as being directed to a software that does not result in a tangible result.” (Office Action at p. 4). Claim 23, although of different scope than claim 12, recites subject matter similar to that of claim 12 already discussed, and that subject matter produces a useful, concrete, and tangible result. Moreover, claim 23 recites, “a medium containing processor readable instructions for causing an information processor to execute a process of controlling use of content under a predetermined condition,” and MPEP § 2106.01 states, “[w]hen functional descriptive material is recorded on some computer-readable medium, it . . . will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.”

Applicants thus submit that claim 23, as amended, is in compliance with 35 U.S.C. § 101, and respectfully request the Examiner to withdraw the rejection.

Applicants respectfully traverse the rejection of claims 1-23 as allegedly anticipated by *Ansell*.

Independent claim 1, for example, recites a content usage control apparatus, comprising, among other things, a “change limitation means for preventing the registration means from further changing the first identification information in accordance with a limitation” and a “limitation modifying means for modifying the limitation.” *Ansell* fails to teach or suggest at least the claimed limitation modifying means.

*Ansell*’s abstract discloses, “keys used to access [] content,” and *Ansell* continues, “re-issue of . . . keys are allowed, the number of times such re-issue is permitted can be limited” (*Ansell* col. 17, 32-34). In rejecting dependent claim 5, the Examiner identified the limitation on the re-issue of the keys disclosed in *Ansell* as corresponding to the claimed “change limitation means” (Office Action at p. 8). Even assuming this is true, *Ansell* does not disclose modifying the limitation on the number of key reissues. *Ansell*, therefore, fails to teach or suggest at least the claimed “limitation modifying means for modifying the limitation” as recited by independent claim 1.

*Ansell* thus does not anticipate claim 1, and Applicant respectfully requests the allowance of claim 1. Although of different scope than claim 1, *Ansell* does not anticipate independent claims 12 and 23 for at least the same reasons as claim 1.

Claims 2-4 and 6-11 depend from claim 1, and claims 13-15 and 17-22 depend from claim 12. Because *Ansell* does not support the rejection of independent claims 1

and 12 under 35 U.S.C. § 102(e), *Ansell* also does not support the rejection of dependent claims 2-4, 6-11, 13-15, and 17-22.

The dependent claims recite additional features not taught by the cited references. For example, claim 7 recites the content usage control apparatus according to claim 1, wherein the “limitation is a minimum amount of time that must expire between replacing identification information.” *Ansell* fails to teach or suggest at least this subject matter of claim 7.

As discussed above, *Ansell*’s abstract discloses, “keys used to access [] content,” and *Ansell* continues, “re-issue of ... keys are allowed, the number of times such re-issue is permitted can be limited” (*Ansell* col. 17, 32-34). Even if *Ansell*’s keys correspond to the claimed identification information, *Ansell* fails to disclose a minimum amount of time that must expire before the keys can be replaced. Thus, *Ansell* fails to teach or suggest the claimed “limitation is a minimum amount of time that must expire between replacing identification information” as recited by claim 7. Although of different scope than claim 7, claim 18 recites similar subject matter, and also distinguishes *Ansell*.

Applicants respectfully request reconsideration of this application and the allowance of claims 1-4, 5-15, and 17-23.

Please grant any extensions of time required to enter this response and charge  
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 11, 2007

By:   
Michael R. Kelly  
Reg. No. 33,921